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JCS525 U.S. PRO

PATENT

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09/379270
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

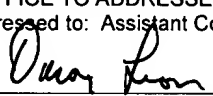
Atty. Dkt. No.: BARP025--2/KAM

Prior Application Examiner:
Mary K. Zeman

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Classification Designation:
435-070.210

Prior Group Art Unit: 1643

CERTIFICATE OF EXPRESS MAILING	
NUMBER	EL 291 389 535 US
DATE OF DEPOSIT	August 23, 1999
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, DC 20231.	
 Signature	

**REQUEST FOR FILING CONTINUATION APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a continuation application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 08/900,902 filed July 25, 1997, entitled "HIV-3 RETROVIRUS AND ITS USE."

- ☒ 1. Enclosed is a copy of the prior application Serial No. 08/900,902 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter

therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

- (a) ☒ The inventorship is the same as prior Application Serial No. 08/900,902.
- (b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).
- (c) ☒ Priority of foreign patent application number EP 88 109 200.1, filed June 9, 1988 in the European Patent Office is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:
- ☐ is enclosed.
- ☒ has been filed in the prior Application Serial No. 08/900,902

- ☒ 2. Enclosed is a check in the amount of \$760 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Clause No. 7 below.

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CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$760.00
Total Claims	2 - 20 =	0 X	\$18.00 =	\$0.00
Independent Claims	2 - 3 =	0 X	\$78.00 =	\$0.00
Multiple Dependent Claim(s) -----				\$-0-.00
TOTAL FILING FEES:				\$760.00
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE

- ☐ 3. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☐ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 4. If the check is missing or insufficient, the Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Arnold White & Durkee Deposit Account No. 01-2508/BARP025--2/KAM.
- ☐ 5. Enclosed is a copy of the current Power of Attorney in the prior application.

- ☒ 6. Address all future communications to:

Patricia A. Kammerer
ARNOLD WHITE & DURKEE
P. O. Box 4433
Houston, Texas 77210
(713) 787-1400

- ☒ 7. The prior application is presently assigned to Innogenetics N.V.

- ☒ 8. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 2 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.

- ☐ 9. Cancel in this application claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained).

- ☐ 10. Amend the specification by inserting before the first line the sentence: --This is a continuation of co-pending application Serial No. filed --.

- ☒ 11. Enclosed are formal drawings.

- ☐ 12. An Information Disclosure Statement (IDS) is enclosed.

☐ (a) PTO-1449.

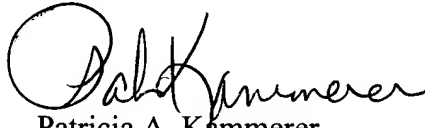
☐ (b) Copies of IDS citations.

- ☐ 13. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. filed , for use in this application. Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. filed . Under 37 C.F.R. § 1.821(f),

Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.

- ☐ 14. Other: ____.
- ☒ 15. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



Patricia A. Kammerer
Reg. No. 29,775
Attorney for Assignee
INNOGENETICS N.V.

ARNOLD, WHITE & DURKEE
P.O. Box 4433
Houston, Texas 77210-4433

Date:

Aug 23, 1999